

**From: Springfield Code of Ordinances**

**Codified through Ordinance Number 5168, March 25, 2002. (Supp No 3, Update 2)**

Editor's note--The state granted an exemption certificate to the city on April 9, 1970.

Cross reference(s)--Health and sanitation, chapter 58.

## ARTICLE I. IN GENERAL

### Sec. 6-1. Purpose of chapter.

The provisions of this chapter are designed to prevent and control air pollution within the city by establishing ambient air quality controls and emission standards, declaring emissions which fail to meet such standards to be unlawful and a public nuisance, prescribing duties of the director of public health and welfare for the city, prescribing penalties for the violation of this chapter, and prescribing procedures by which the provisions of this chapter may be executed.

(Code 1981, § 2A-1)

### Sec. 6-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Air contaminant* means any gaseous, liquid or solid matter which, when present in the atmosphere, contributes to a condition of air pollution, including but not limited to dust, sooty mists, smoke, fumes, fly ash, cinders, gases, vapor and odors.

*Air pollution* means the presence in the outdoor atmosphere of one or more air contaminants, or combinations thereof, in such quantities and of such duration that they are or may tend to be injurious to human, plant or animal life, or property, or that interfere with the reasonable enjoyment of life and property or the conduct of business.

*Control equipment* means any equipment that has the function to prevent the formation of or the emission to the atmosphere of air contaminants from any fuel burning equipment, incinerator or process equipment.

*Director of public health and welfare* means the director of public health and welfare of the city, or his duly authorized agent.

*Existing equipment* means things such as equipment, machines, devices, articles, contrivances or installations which are installed or have been acquired by the ultimate user at the effective date of the ordinance from which this chapter is derived; except any such equipment, machine, device, article, contrivance or installation other than a foundry cupola which is altered, repaired, modified or rebuilt at a cost of 30 percent or more of the replacement cost, not including the cost of air pollution control equipment, within any 12-month period after such effective date, or changed so as to significantly alter its emission characteristics, shall be classified as new.

*Foundry cupola* means a vertical cylindrical furnace with tuyeres and tapping spouts near the bottom used for melting iron in a foundry.

*Fuel burning equipment* means any equipment, device or contrivance used for the burning of any fuel, except refuse, and all appurtenances thereto, including ducts, breaching, fly ash collecting equipment, fuel feeding equipment, combustion controls, stacks and chimneys, used for indirect heating in which the material being heated is not contacted by, and adds no substance to, the products of combustion. Fuel burning equipment typically includes that used for heating water to boiling, raising steam or superheating steam, heating air as in a warm air furnace, or furnishing process heat indirectly through its transfer by fluids. Incinerator means any article, machine, equipment, contrivance, structure or part of a structure used to burn refuse or to process refuse material by burning other than by open burning.

*Multiple-chamber incinerator* means any incinerator consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned, the

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refractories having a Pyrometric Cone Equivalent of 31, testing according to the method prescribed by the American Society for Testing and Materials Method No. C-24-56, as set forth in section 6-151.

*New equipment* means things such as equipment, machines, devices, articles, contrivances or installations acquired by the ultimate user or installed on or after the effective date of the ordinance from which this chapter is derived, and things or installations existing at such time other than foundry cupolas which are later altered, repaired, modified or rebuilt at a cost of 30 percent or more of the replacement cost (but not including the cost of air pollution control equipment) within any 12-month period after such effective date, or things or installations existing at such stated time which are later changed so as to significantly alter their emission characteristics.

*Opacity* means a state of material which renders it partially or wholly impervious to rays of light when observed by a human being.

*Open burning* means the burning of any materials where air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion takes place, only such apertures, ducts, stacks, flues or chimneys as are necessary to provide combustion air and to permit the escape of exhaust gases are open.

*Particulate matter* means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

*Process equipment* means any equipment, device or contrivance for changing any materials whatever, or for storage or handling of any materials, the use or existence of which may cause any discharge of air contaminants into the outdoor atmosphere, but not including the equipment specifically defined as fuel burning equipment, an incinerator, or control equipment in this chapter.

*Process weight* means the total weight of all materials introduced into the source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for the purposes of combustion.

*Process weight rate* means a rate established as follows:

(1) For continuous or long run steady state source operations, the total process weight for the entire period of continued operation or for a typical period thereof, divided by the number of hours of such period or portion thereof.

(2) For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

Where the nature of any process or operation or design of any equipment is such as to be reasonably described by both subsections (1) and (2) of the definition of process weight rate, then the interpretation resulting in the minimum value for allowable emissions shall apply.

*Refuse* means garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes or other wastes.

*Registration* means the notification of the air pollution control agency in the manner prescribed by the director of public health and welfare of the installation, alteration or existence of fuel burning equipment, process equipment, incinerators or control equipment.

*Ringelmann chart* means Ringelmann's Scale for Grading the Density of Smoke, as published in U.S. Bureau of Mines Information Circular 8333, as set forth in section 6-152.

*Salvage operation* means any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material.

*Seal* for sealing equipment means a device installed by the director of public

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health and welfare so as to prevent use of the process equipment, fuel burning equipment, incinerators or control equipment causing a violation or from which a violation of this chapter originates.

*Source operation* means the last operation preceding the emission of an air contaminant, which operation:

- (1) Results in the separation of the air contaminant from a material or in the conversion of a material into air contaminants; and
- (2) Is not solely an air pollution abatement operation.
- (3)

*Stack and chimney* mean a stack, chimney, flue, conduit or opening arranged for the emission into the outdoor atmosphere of air contaminants.

*Standard conditions* means a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

*Trade waste* means a waste material or product resulting from construction operation or the prosecution of any business, trade or industry, or from any demolition operation.  
(Code 1981, § 2A-2)

Cross reference(s)--Definitions generally, § 1-2.

Secs. 6-3--6-30. Reserved.

**ARTICLE II. ADMINISTRATION AND ENFORCEMENT\***

\*Cross reference(s)--Administration, ch. 2.

**DIVISION 1. GENERALLY**

Sec. 6-31. Responsibility for administration and enforcement.

It shall be the duty of the director of public health and welfare for the city to investigate and take actions within the scope of his power and within the range of this chapter to prevent and abate sources of air pollution.  
(Code 1981, § 2A-3)

Sec. 6-32. Powers and duties of director of public health and welfare.

The director of public health and welfare shall have the power and duty to:

- (1) Make such inspections and tests deemed necessary by the director of public health and welfare to determine compliance with the provisions of this chapter.
- (2) Require the submission of air contaminant emission information as needed for the purpose of emission inventory and registration of equipment on forms provided by the director of public health and welfare.
- (3) Determine the equipment to be registered, the persons to submit registration, the information required and the means for maintaining current status of the registration.
- (4) Investigate all complaints of violations of this chapter and issue notices and orders granting a reasonable time to comply with the provisions of this chapter.
- (5) Institute necessary proceedings to secure abatement of violations of this chapter.
- (6) Advise planning and zoning agencies regarding air pollution aspects of planning and zoning functions in order to prevent land use conflicts resulting in air pollution problems.
- (7) Make recommendations regarding needed revisions in this chapter or any other law or ordinance pertaining to air pollution.
- (8) Collect and disseminate information on air pollution control.
- (9) Carry out a continuing program of outdoor air monitoring to evaluate air quality in the city.
- (10) Review those matters having a bearing upon air pollution referred by other agencies, such as the planning, zoning, building and fire departments, and make reports and recommendations where necessary.
- (11) Encourage the voluntary cooperation of civic, technical, scientific and educational societies to achieve the purposes of this chapter.
- (12) Prepare and develop a comprehensive plan for the prevention, abatement and control of air pollution.
- (13) Plan and implement a continuing inventory of air pollutant emissions.

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(14) Issue or deny permits in any instance where the occupancy, construction, modification or operation of an installation may affect air pollution control under the standards as set out in this chapter for the city.

(Code 1981, § 2A-4)

Secs. 6-33--6-50. Reserved.

**DIVISION 2. APPROVAL OF PLANNED INSTALLATIONS**

Sec. 6-51. City or state permit required.

(a) No person shall occupy, construct, modify or operate any installation which may affect air pollution control under the standards for the city without first obtaining a permit from the city or the state therefor.

(b) The permit fee provisions adopted in section 6-52 shall be voluntary. If the applicant for a permit pays the fees to the city, the city shall inspect the installation for compliance with the standards set forth in this chapter, and shall issue a permit if the installation meets these standards. If the fee is not tendered and the city does not make this inspection, the applicant shall secure a permit from the state.

(Code 1981, § 2A-6)

Sec. 6-52. Issuance of permits.

The director of public health and welfare shall consider applications for permits under this division, and, upon sufficient evidence being submitted, either approve or deny such permits for any installation where the occupancy, construction, modification or operation thereof may affect air pollution control under the standards for the city. The director shall follow the procedures, guidelines and permit fee schedule as set forth in the state regulations, 10 CSR 10-6.060, including applicable definitions set forth in 10 CSR 10-6.020, which are adopted as part of this section by reference. A copy of the state regulations shall be maintained on file with the office of the city clerk.

(Code 1981, § 2A-7)

Secs. 6-53--6-70. Reserved.

**DIVISION 3. SUBMISSION OF INFORMATION**

Sec. 6-71. Authority to require information regarding emission of air contaminants.

(a) The director of public health and welfare may require information about points of emission of air contaminants, whether by duct, stack, flue equipment or by any other means, when such information is necessary for the conduct of the work of the director of public health and welfare. A period of 30 days shall be allowed for the submission of such information. However, in cases of emergency, the director of public health and welfare may designate any lesser time which he believes to be justified.

(b) Any information so submitted shall be maintained as confidential by the director of public health and welfare, and he shall not divulge such information except as it shall be necessary to effectuate the purposes of this chapter.

(Code 1981, § 2A-42)

Secs. 6-72--6-90. Reserved.

**DIVISION 4. HEARINGS**

Sec. 6-91. Conduct of hearings. Hearings conducted under this chapter shall be held in accordance with section 74-38. (Code 1981, § 2A-45)

Secs. 6-92--6-110. Reserved.

**DIVISION 5. SERVICE OF ORDERS OR NOTICES**

Sec. 6-111. Method of service.

Whenever the director of public health and welfare shall find it necessary under the provisions of this chapter to serve any notice or any order, it shall be sufficient that the notice or order be served upon the person having control over the operation of the air polluting equipment or responsible for the source of the air polluting emission. If such person shall be a resident of the city and shall be subject at the time to personal service, then such service shall be in writing served by the director of public health and welfare or any of his employees or by any police officer of the city upon the person or upon any member of his household over the

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age of 15 years. If the person to be served shall not be available for such personal service or shall be a nonresident of the city or for any other reason cannot be personally served within the city, then it shall be sufficient that service of the notice or order be given by United States mail directed to the last known address of such person and by posting the notice or order upon the premises where the violation of this chapter occurred or is occurring or other thing is to take effect. Such service by mail and posting shall be effective upon the day that such mailing shall occur or the day that such posting shall occur, whichever shall be the later.

(Code 1981, § 2A-48)

Secs. 6-112--6-130. Reserved.

**DIVISION 6. ENFORCEMENT**

**Sec. 6-131. Penalty.**

Any person who shall violate any of the provisions of this chapter or any lawful order of the director of public health and welfare under this chapter shall be punished upon conviction thereof in accordance with the provisions of section 1-7.

(Code 1981, § 2A-49)

**Sec. 6-132. Civil proceedings.**

Notwithstanding the provisions of section 6-131, and as an additional remedy and not in lieu thereof, the director of public health and welfare may cause appropriate proceedings to be brought within any court of competent jurisdiction against any person responsible for any violation of the provisions of this chapter for such injunctive orders or other relief as may be appropriate to the enforcement of the provisions of this chapter, it being deemed by the city council that any violations of the provisions of this chapter are public nuisances and should be abated thereas.

(Code 1981, § 2A-50)

Secs. 6-133--6-150. Reserved.

**DIVISION 7. TEST METHODS AND TABLES**

**Sec. 6-151. ASTM test method C-24-56.**

The ASTM test method C-24-56 referred to in section 6-2 in the definition of a multiple-chamber incinerator is as follows: (Code 1981, § 2A-51)

Editor's note--Materials not included in this section are assumed to be on file in the office of the city clerk.

**Sec. 6-152. Ringelmann scale.**

The Ringelmann scale as referred to in section 6-2 under the definition of Ringelmann chart is as follows:

(Code 1981, § 2A-52)

Editor's note--Materials not included in this section are assumed to be on file in the office of the city clerk.

**Sec. 6-153. ASTM test methods D-271-68 and D-2015-66.**

The ASTM method D-271-68, "Laboratory Sampling and Analysis of Coal and Coke," and the ASTM method D-2015-66, "Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter," as referred to in section 6-232, are as follows: (Code 1981, § 2A-53)

Editor's note--Materials not included in this section are assumed to be on file in the office of the city clerk.

**Sec. 6-154. Tables.**

Table 1 referred to in section 6-253, relating to maximum allowable particulate emission, and table 2 referred to in section 6-254, relating to an alternate determination of maximum particulate emission, and table 3 referred to in section 6-257(1), relating to emissions from existing foundry cupolas, are as follows:

(1) Table 1--Maximum allowable particulate emission.

TABLE 1

Rate of Emission

Process Weight Rate

(lbs./hr)      (tons/hr)      (lb./hr)

100                      0.05  
0.551

200 0.10                      0.887

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400	0.20	1.40	60,000 40.0	30.00	
600	0.30	1.83	70,000 41.3	35.00	
800	0.40	2.22	80,000 42.5	40.00	
1,000	0.50	2.58	90,000 43.6	45.00	
2,000	1.00	4.10	100,000 44.6	50.00	
2,500	1.25	4.76	120,000 46.3	60.00	
3,000	1.50	5.38	140,000 47.8	70.00	
3,500	1.75	5.96	160,000 49.0	80.00	
4,000	2.00	6.52	200,000	100.00	51.2
5,000	2.50	7.58	1,000,000	500.00	69.0
6,000	3.00	8.56	2,000,000 77.6	1,000.00	
7,000	3.50	9.49	6,000,000 92.7	3,000.00	
8,000	4.00	10.4			
9,000	4.50	11.2			
10,000 12.0	5.00				
12,000 13.6	6.00				
16,000 16.5	8.00				
18,000 17.9	9.00				
20,000 19.2	10.00				
30,000 25.2	15.00				
40,000 30.5	20.00				
50,000 35.4	25.00				

Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation  $E = 4.10 P^{0.67}$ , and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation  $E = 55.0 P^{0.11} - 40$ , where E equals the rate of emission in lb/hr and P equals the process weight rate in tons/hr.

(2) Table 2--Alternate method relating to particulate emission.

TABLE 2

Source Gas Concentration  
Volume SCFMa GR/SCFb

7,000 or less 0.100

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8,000	0.096	1,000	3.05
9,000	0.092	2,000	4.70
10,000	0.089	3,000	6.35
20,000	0.071	4,000	8.00
30,000	0.062	5,000	9.65
40,000	0.057	6,000	11.30
50,000	0.053	7,000	12.90
60,000	0.050	8,000	14.30
80,000	0.045	9,000	15.50
100,000	0.042	10,000	16.65
120,000	0.040	12,000	18.70
140,000	0.038	14,000	20.15
160,000	0.036	16,000	21.60
180,000	0.035	18,000	22.80
200,000	0.034	20,000	24.00
300,000	0.030	30,000	30.00
400,000	0.027	40,000	36.00
500,000	0.025	50,000	42.00
600,000	0.024	60,000	48.00
800,000	0.021	70,000	49.00
1,000,000 or more	0.020	80,000	50.50
		90,000	51.60
		100,000	52.60

(3) Table 3--Emissions from existing foundry cupolas.  
TABLE 3

(Code 1981, § 2A-54)

Sec. 6-155. ASTM test method PTC-21-1941.

The ASTM test method PTC-21-1941, "Dust Separating Apparatus," referred to in section 6-171, is as follows:  
(Code 1981, § 2A-55)

Process Weight Maximal  
Per Hour Allowable  
(lbs.) Discharge  
Per Hour  
(lbs.)

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Editor's note--Materials not included in this section are assumed to be on file in the office of the city clerk.

Sec. 6-156. ASTM test method PTC-27-1957.

ASTM test method PTC-27-1957, "Determining Dust Concentration in a Gas Stream," referred to in section 6-171, is as follows:

(Code 1981, § 2A-56)

Editor's note--Materials not included in this section are assumed to be on file in the office of the city clerk.

Secs. 6-157--6-170. Reserved.

**DIVISION 8. STACK EMISSION TEST METHOD**

Sec. 6-171. Generally.

Stack emission tests for any new or existing process equipment, fuel burning equipment or control equipment or incinerator shall be undertaken by generally recognized standard methods of measurement. The American Society of Mechanical Engineers' "Test Code for Dust Separating Apparatus," PTC 21-1941, as set forth in section 6-155, and the American Society of Mechanical Engineers' "Test Code for Determining Dust Concentration in Gas Streams," PTC 27-1957, as set forth in section 6-156, may be used by the director of public health and welfare under most general conditions but may be modified or adjusted by the director of public health and welfare in order to meet specific sampling conditions or needs based upon good engineering practice, judgment and experience. Whenever the director of public health and welfare shall deem it necessary or desirable to vary from procedures prescribed in this section for test purposes, he shall notify in writing the person in charge of the operation of the facility to be tested advising of the reason for the departure from the test methods described in this section and of the proposed test methods to be used. If the operator of the facility shall question the reasonableness or accuracy of the test method proposed, he shall, within ten days following receipt of notice of intent to use the test method, notify the director of public health and welfare in writing of his objection to such proposal and the grounds

therefor. The air pollution board of appeals shall be advised of such protest by the director of public health and welfare and shall set within a 15-day period thereafter a date for a hearing upon the proposed test methods and the objection thereto and may sustain or modify the actions of the director of public health and welfare as it finds necessary based upon the evidence presented to provide for reasonable and accurate testing methods under the conditions existing.

(Code 1981, § 2A-25)

Sec. 6-172. Test facilities.

It shall be the responsibility of the person having control over the operation of any equipment to be tested under this chapter to provide, at his expense, reasonable and necessary openings in the system or stack, and safe and easy access thereto, in order to permit technically valid samples and measurements to be taken for the purposes of this chapter. All new potential sources of air contaminants erected after the effective date of the ordinance from which this chapter is derived shall at the time of construction be provided with adequate openings in the system or stack, and safe and easy access thereto, in order to permit technically valid samples and measurements to be taken under this chapter, and the plans therefor shall show such openings.

(Code 1981, § 2A-26)

Sec. 6-173. Payment of costs of tests.

The director of public health and welfare may perform or have performed the necessary emission tests at the expense of the city; provided, however, he may accept a test conducted by a representative of the owner or person having control over the operation of the installation on the condition that the person so electing to conduct his own stack emission tests shall pay for those tests regardless of their outcome. The results of such tests will be accepted as valid only if the test method, procedure and qualifications of those taking the test are approved by the director of public health and welfare.

(Code 1981, § 2A-27)

Secs. 6-174--6-190. Reserved.



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**ARTICLE III. EMISSION RESTRICTIONS**

**DIVISION 1. GENERALLY**

Secs. 6-191--6-210. Reserved.

**DIVISION 2. VISIBLE AIR  
CONTAMINANTS FROM EQUIPMENT**

Sec. 6-211. Limitation on emission from existing sources.

No person shall discharge or permit the discharge of, into the outdoor atmosphere, from any single existing source of emission whatsoever, any air contaminant:

- (1) Of a shade or density equal to or darker than that designated as number 2 on the Ringelmann smoke chart; or
- (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade or density equal to or darker than that designated as number 2 on the Ringelmann smoke chart.

(Code 1981, § 2A-9)

Sec. 6-212. Limitation on emission from new sources.

No person shall discharge or permit the discharge of, into the outdoor atmosphere, from any single new source of emission whatsoever, any air contaminant:

- (1) Of a shade or density equal to or darker than that designated as number 1 on the Ringelmann smoke chart; or
- (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade or density equal to or darker than that designated as number 1 on the Ringelmann smoke chart.

(Code 1981, § 2A-9.5)

Sec. 6-213. Exceptions.

Notwithstanding any of the provisions of sections 6-211 and 6-212, it shall not be unlawful to discharge into the outdoor atmosphere from any single source of emission:

- (1) Air contaminants of a shade, density or opacity equal to but not darker than that designated as number 2 on the Ringelmann chart so long as the emission shall not exist for a period aggregating more than six

minutes in any consecutive 60-minute period;

- (2) Air contaminants of a shade, density or opacity equal to but not darker than that designated as number 3 on the Ringelmann chart so long as the emission shall not exist for a period aggregating more than six minutes in any consecutive 60-minute period and the emission is caused by the starting of or cleaning of a fire, and so long as such emissions do not occur on more than three occasions during any consecutive 24-hour period;

- (3) Air contaminants which fail to meet the requirements of section 6-211 or 6-212 only because of the presence therein of uncombined water;

- (4) Air contaminants emanating from a foundry cupola existing at the time of the passage of the ordinance from which this chapter is derived, or from an electric metallurgical furnace;

- (5) Air contaminants the source of which is a fire ignited for the purpose of training firefighters or for research in fire protection and prevention, provided that the director of public health and welfare shall have previously issued a permit in writing authorizing the ignition of the fire for the purpose of training firefighters or for fire research and prevention purposes;

- (6) Air contaminants resulting from an unavoidable breakdown or malfunction of equipment;

- (7) Air contaminants resulting from a charcoal or similar fire being used for recreational purposes or being used for noncommercial preparation of food; or

- (8) Air contaminants resulting from the operation of a wood burning stove or a fireplace in a dwelling.

(Code 1981, § 2A-10)

Secs. 6-214--6-230. Reserved.

**DIVISION 3. PARTICULATE MATTER  
FROM FUEL BURNING EQUIPMENT**

Sec. 6-231. Applicability of division.

The provisions of this division shall relate only to fuel burning equipment. For purposes of this section, the word "fuel" shall include such things as coal, coke, lignite, coke breeze, fuel oil, wood and natural gas, but shall not include refuse. The word "fuel" shall also include products or

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byproducts of a manufacturing process when they are burned as fuel or in conjunction with fuel in fuel burning equipment.  
(Code 1981, § 2A-11)

Sec. 6-232. Determination of heat content of coal.

The heat content of coal shall be determined according to the American Society for Testing and Materials method D-27-68, "Laboratory Sampling and Analysis of Coal and Coke", or the American Society for Testing and Materials method D-2015-66, "Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter," as set forth in section 6-153.  
(Code 1981, § 2A-12)

Sec. 6-233. Determination of heat input.

For purposes of this division, heat input of fuel burning equipment shall be the value which the manufacturer or designer of the equipment has guaranteed as the maximum heat input value of the equipment; but if there should be no such manufacturer's guaranteed maximum input value or if it shall not be valid because the equipment has been altered, then the heat input value of any fuel burning equipment shall be the aggregate heat content of all fuels whose products of combustion pass through a stack. The total heat input value of all fuel burning equipment at a plant or on any premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted from the plant or from the premises.  
(Code 1981, § 2A-13)

Sec. 6-234. Measurement of amount of particulate matter emitted.

The amount of particulate matter emitted, for the purposes of this division, shall be the total amount emitted from all stacks located at a plant or on any premises and shall be measured according to section 6-171.  
(Code 1981, § 2A-14)

Sec. 6-235. Emission limitations.

(a) No person shall cause, allow or permit the emission of particulate matter from all the stacks of fuel burning equipment at a plant or on any premises in excess of 0.60 pound for each million BTU per hour

total heat input if the total heat input of the equipment is 10,000,000 BTU or less. If the total heat input of the fuel burning equipment is more than 10,000,000 BTU, then the amount of particulate matter which may be emitted for each 1,000,000 BTU of total heat input shall decrease as the total heat input of the fuel burning equipment increases, as follows:

(1) No more than 0.41 pound for each million BTU total heat input from equipment having a total heat input of 50,000,000;

(2) No more than 0.35 pound for each million BTU total heat input from equipment having a total heat input of 100,000,000;

(3) No more than 0.24 pound for each million BTU total heat input from equipment having a total heat input of 500,000,000;

(4) No more than 0.21 pound for each million BTU total heat input from equipment having a total heat input of 1,000,000;

(5) No more than 0.17 pound for each million BTU total heat input from equipment having a total heat input of 2,000,000;

(6) No more than 0.14 pound for each million BTU total heat input from equipment having a total heat input of 5,000,000;

(7) No more than 0.13 pound for each million BTU total heat input from equipment having a total heat input of 7,500,000;

(8) No more than 0.12 pound for each million BTU total heat input from equipment having a total heat input of 10,000,000 or more.

(b) The amount of particulate matter which may be emitted from fuel burning equipment having an intermediate total heat input between any of the total heat input amounts set forth in subsections (a)(1) through (8) of this section shall be determined either by linear interpolation, or by using the following equation:

$$\log Y = 0.2330 \log X - 2.0111$$

where X represents each million BTU input of the total heat input and Y represents the allowable pounds of emissions.

(Code 1981, § 2A-15)

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Sec. 6-236. Tests for compliance to be made during steady state conditions.

Compliance with the provisions of this division shall not be determined during periods when a new fire is being built, during start-up, change of load or fueling, during an operational breakdown or other emergency conditions, while air pollution control equipment is being cleaned or repaired, or during soot blowing, but shall be determined during steady state conditions.  
(Code 1981, § 2A-16)

Sec. 6-237. Exclusion of certain equipment.

The person having the control over the operation of any fuel burning equipment used for indirect heating in any plant or on any premises may, at his option, elect to eliminate, for the purpose of determining compliance with the provisions of this division, any such fuel burning equipment normally scheduled to operate less than 1,500 hours per year, provided that such equipment is provided with air pollution control equipment having a collection efficiency of not less than 85 percent, in which case such indirect heating fuel burning equipment shall be deemed to comply with the provisions of this division and shall not be considered when determining the compliance of any other fuel burning equipment at any plant or on any premises. The director of public health and welfare may require submission of proposed operating schedules of such indirect heating fuel burning equipment in advance of operation and submission of reports of actual operating schedules for any year.  
(Code 1981, § 2A-17)

Secs. 6-238--6-250. Reserved.

**DIVISION 4. PARTICULATE MATTER FROM INDUSTRIAL PROCESSES**

Sec. 6-251. Applicability of division.

This division shall be deemed to apply to any operation, process or activity except the burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials, and except the burning of refuse or the processing of salvageable materials by burning.  
(Code 1981, § 2A-18)

Sec. 6-252. Emission tests.

Emission tests relating to this division shall be made in accordance with section 6-171.  
(Code 1981, § 2A-19)

Sec. 6-253. Emission limitations generally.

Except as otherwise provided in this division, no person shall cause, allow or permit the emission into the outdoor atmosphere of particulate matter in any one hour from any source in excess of the amount shown in table 1 of section 6-154 for the process weight allocated to such source.  
(Code 1981, § 2A-20)

Sec. 6-254. Emission limitations based on source gas volume.

Notwithstanding the provisions of section 6-253, no person shall be required to reduce the concentration of particulate matter below the concentration specified in table 2 of section 6-154 based upon the source gas volume of the emission source, except that any person seeking to rely upon this section shall have the burden of establishing source gas volume, demonstrating to the director of public health and welfare the factors used to determine such volume and the methods of determining and computing the volume and that all of such determinations and methods are reasonably applicable and accurate.  
(Code 1981, § 2A-21)

Sec. 6-255. Allowable substitute for source gas volume.

The volume of gases passing through and leaving an air pollution abatement operation may be substituted for the source gas volume of the source operation served by such air pollution abatement operation for the purposes of section 6-1, provided that such air pollution abatement operation emits no more than 40 percent of the weight of the particulate matter entering therein, and provided further that the substituted volume shall be corrected to standard conditions and to a moisture content no greater than that of any gas stream entering the air pollution abatement operation. The burden of demonstrating the volume of gases passing through and leaving such air pollution

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abatement operation shall be upon the person seeking to use such substitute volume of gases for the source gas volume in the same manner as the burden is imposed to establish source gas volume under section 6-254.

(Code 1981, § 2A-22)

Sec. 6-256. Maximum emission under sections 6-254 and 6-255.

Notwithstanding the provisions of sections 6-254 and 6-255, no person shall cause, allow or permit the emission of any particulate matter from any source in a concentration in excess of 0.30 grains per standard cubic foot of gas, whether source gas or a volume of gas substituted therefor. (Code 1981, § 2A-23)

Sec. 6-257. Exceptions.

The provisions of this division shall not apply to:

- (1) Existing foundry cupolas, provided that such existing foundry cupolas shall be equipped with gas cleaning equipment to reduce particulate matter discharged to the atmosphere to the level established in table 3 of section 6-154; or
  - (2) A process during periods when a new fire is being built, during the start-up of an operation, during an operational breakdown, or while air pollution control equipment is being cleaned.
- (Code 1981, § 2A-24)

Secs. 6-258--6-280. Reserved.

**ARTICLE IV. OPEN BURNING\***

\*Cross reference(s)--Fire prevention and protection, ch. 54.

Sec. 6-281. Open burning of refuse.

Except as otherwise provided in this article, no person shall cause, permit or allow the open burning of refuse.

(Code 1981, § 2A-28)

Cross reference(s)--Solid waste, ch. 94.

Sec. 6-282. Open burning for salvage operations.

No person shall cause, permit or allow a salvage operation to be conducted in whole or in part by open burning.

(Code 1981, § 2A-29)

Sec. 6-283. Open burning of trade wastes.

Except as otherwise provided in this article, no person shall cause, permit or allow the disposal of trade wastes by open burning.

(Code 1981, § 2A-30)

Cross reference(s)--Buildings and building regulations, ch. 26.

Sec. 6-284. Permit for burning of certain materials.

(a) The open burning of trade wastes and vegetation shall be permitted only when it has been shown that such open burning is reasonably necessary for disposal and that the disposal will not unreasonably affect the public health, safety or welfare. Any person contending that such is the case and desiring to engage therefor in open burning shall file a request to do so with the director of public health and welfare. The application shall state the following:

- (1) The name, address and telephone number of the person submitting the application.
- (2) The type of business or activity involved.
- (3) A description of the proposed equipment and operating practices, the type, quantity and composition of material to be burned, and the expected composition and amount of air contaminants to be released to the atmosphere, where known.
- (4) The schedule of burning operations.
- (5) The exact location where the open burning will occur.
- (6) The reasons why open burning is reasonably necessary for disposal and will not unreasonably affect public health, safety and welfare.
- (7) Evidence that the proposed open burning has been approved by the fire chief and is not in violation of the fire code of the city.

(b) If the director of public health and welfare shall find upon examination of the application that the open burning proposed is reasonably necessary for disposal and that it will not unreasonably affect the public health, safety or welfare, he may grant a permit to conduct such open burning, subject, however, to the provisions of any other law or ordinance of the city and also

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upon such conditions as the director of public health and welfare may impose so as to limit the open burning to meet the standards established in this chapter.  
(Code 1981, § 2A-31)

**Sec. 6-285. Exceptions.**

Notwithstanding any of the other provisions of this article to the contrary, this article shall not apply to:

- (1) Fires set in accordance with agricultural operations related to the growing or harvesting of crops.
  - (2) Fires set for the purpose of instructing and training firefighters in the methods of fighting fires, or fires used for recreational purposes, or fires used for the noncommercial preparation of food such as by barbecuing.
- (Code 1981, § 2A-33)

Secs. 6-286--6-310. Reserved.

**ARTICLE V. INCINERATORS**

**Sec. 6-311. Single-chamber incinerators prohibited.**

After the effective date of the ordinance from which this chapter is derived, only multiple-chamber incinerators or their equivalent shall be constructed or installed. Incinerators existing at the time of such effective date which are not multiple-chamber incinerators or their equivalent shall be altered, modified, rebuilt or replaced as may be necessary to meet the performance requirements of this article.  
(Code 1981, § 2A-34)

**Sec. 6-312. Limitations on emission of particulate matter.**

No person shall cause, permit or allow the emission of any particulate matter from the stack or chimney of any incinerator in excess of the following limits:

- (1) For incinerators with a maximum refuse burning capacity of less than 200 pounds of refuse per hour, the maximum emission rate shall be 0.3 grains of particulate matter per standard cubic foot of dry flue gas, corrected to 12 percent carbon dioxide.
- (2) For incinerators with a maximum refuse burning capacity of 200 or more pounds of refuse per hour, the maximum emission rate shall be 0.2 grains of

particulate matter per standard dry cubic foot of exhaust gas, corrected to 12 percent carbon dioxide.  
(Code 1981, § 2A-35)

**Sec. 6-313. Determination of burning capacity.**

The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the director of public health and welfare in accordance with good engineering practice. In case of conflict, the findings of the director of public health and welfare shall govern.  
(Code 1981, § 2A-36)

**Sec. 6-314. Determination of amount of particulate matter emitted.**

The amount of particulate matter emitted from any incinerator shall be determined according to section 6-171. In calculating the amount of particulate matter in a stack gas, the carbon dioxide produced by the burning of any liquid or gaseous fuel in the incinerator shall be excluded from the calculation of 12 percent carbon dioxide. Emissions shall be measured when the incinerator is operating at its maximum capacity or at any other burning rate during which emission of particulate matter is greater.  
(Code 1981, § 2A-37)

Secs. 6-315--6-340. Reserved.

**ARTICLE VI. AMBIENT AIR ODOR CONTROL**

**Sec. 6-341. Limitations on emission of objectionable odor.**

No person shall emit odorous matter such as to cause an objectionable odor:

- (1) On or adjacent to residential, recreational, institutional, retail sales, hotel or educational premises;
  - (2) On or adjacent to industrial premises when air containing such odorous matter is diluted with 20 or more volumes of odor free air; or
  - (3) On or adjacent to premises other than those described in subsections (1) and (2) of this section when air containing such odorous matter is diluted with four or more volumes of odor free air.
- (Code 1981, § 2A-39)

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Sec. 6-342. Determination of objectionable odor.

The requirements in section 6-341 shall apply only to objectionable odors. An odor will be deemed objectionable when 30 percent or more of a sample of 20 or more people or 75 percent of a sample of less than 20 people exposed to it believe it to be objectionable in usual places of occupancy. (Code 1981, § 2A-40)

Secs. 6-343--6-370. Reserved.

**ARTICLE VII. AIR POLLUTION  
NUISANCES**

Sec. 6-371. Prohibited emissions.

It is unlawful for any person to cause, allow or permit the escape of gases or particulate matter from any source whatsoever in such a manner or in such quantities as to unreasonably endanger the health, safety or welfare of any person or of the public, or in such quantities or in such a manner as to cause unreasonable injury or damage to property or businesses. The escape of such matter is declared to be a public nuisance. (Code 1981, § 2A-41)

Secs. 6-372--6-390. Reserved.

**ARTICLE VIII. SEALING**

Sec. 6-391. Applicability; procedure.

Whenever any equipment shall have been in violation of any of the provisions of this chapter on three occasions within any consecutive 12-month period and notification thereof has been given of each such occasion to the operator of such equipment, then it shall be the duty of the director of public health and welfare to give at least 20 days' prior notice to the person having control over the operation of such equipment of a hearing to be held before the director of public health and welfare at which such person shall be required to show cause why the offending equipment should not be sealed. Notice of the hearing shall be in writing and served by the director of public health and welfare or by one of his employees or by any police officer of the city upon the person having control over the operation of the equipment or upon any

member of his household over the age of 15, if he shall reside within the city; and if he shall not reside within the city or for any other reason such personal service may not be had, then the director of public health and welfare shall direct a copy of such notice to the last known address of the person having control over the operation of the equipment by United States mail, and a copy of the notice of the hearing shall be posted in a conspicuous place upon the premises where the equipment proposed to be sealed is located. Notice by mail or by posting shall be effective upon the day that such mailing shall occur or such posting shall occur. If upon the hearing the director of public health and welfare finds upon the basis of the evidence presented that the person having control over the operation of the equipment has not taken action to bring the equipment into compliance with all of the provisions of this chapter of which he shall have previously received notice of violation, then the director of public health and welfare may order the equipment to be sealed from use. It shall be unlawful for any person to break any seal affixed as a result of any such order, unless authorized in writing by the director of public health and welfare to do so.

(Code 1981, § 2A-44)

Secs. 6-392--6-410. Reserved.

**ARTICLE IX. BREAKDOWN OF  
EQUIPMENT**

Sec. 6-411. Excessive emissions caused by breakdowns beyond control of operator.

Emissions exceeding any of the limits established in divisions 2, 3 and 4 of article III, article V, article VI and article VII of this chapter as a direct result of upset conditions in or breakdown of any process equipment, fuel burning equipment, refuse burning equipment, or control equipment or related operating equipment beyond the control of the person having control over the operation of such equipment shall not be deemed to be in violation of any of such provisions or of this chapter, provided that the operator immediately advises the director of public health and welfare of the circumstances of such breakdown and outlines a corrective program acceptable to

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the director. A failure to expend necessary funds or to have established adequate maintenance or replacement programs shall not be matters beyond the control of a person having control over the operation of the equipment within the meaning of this chapter.

(Code 1981, § 2A-46)

Secs. 6-412--6-430. Reserved.

#### ARTICLE X. CIRCUMVENTION

Sec. 6-431. Installation of device to conceal emissions.

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an air contaminating emission, unless it shall result in a reduction in the total release of air contaminants to the atmosphere.

(Code 1981, § 2A-47)